

**ASSEMBLY BILL**

**No. 648**

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**Introduced by Assembly Member Jones-Sawyer**

February 21, 2013

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An act to amend Section 68086 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 648, as introduced, Jones-Sawyer. Court reporters.

Existing law requires the charge of an official court reporter fee, in addition to any other fee required in civil actions or cases. For each proceeding lasting less than one hour, a fee of \$30 is required to be charged for the reasonable cost of the services of an official court reporter. Fees collected pursuant to this provision may be used only to pay for services of an official court reporter in civil proceedings.

This bill would require the charge of a fee of \$30 for each proceeding lasting one hour or less in a civil action or case to offset the costs of the services of official court reporters in civil proceedings. The bill would require each party that files papers that require the scheduling of a proceeding lasting less than one hour to pay the fee, regardless of whether the party requests the presence of a court reporter. The bill would require the fee to be paid for each separate proceeding, regardless of whether the proceedings are scheduled at the same time on the same calendar. The bill would provide for the deposit of the fees collected into the Trial Court Trust Fund and would provide for the distribution of those fees, upon appropriation by the Legislature, back to the courts in which the fees were collected.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 68086 of the Government Code is amended to read:

68086. ~~(a)~~ The following provisions apply in superior court:

~~(1)~~

(a) In addition to any other fee required in civil actions or cases:

~~(A)~~

(1) For each proceeding lasting ~~less than~~ one hour or less, a fee of thirty dollars (\$30) shall be charged ~~for the reasonable cost to offset the costs of the services of an official court reporter reporters in civil proceedings pursuant to Section 269 of the Code of Civil Procedure.~~

(A) *Each party that files papers that require the scheduling of a proceeding described in this paragraph shall pay the fee, regardless of whether the party requests the presence of a court reporter. The fee shall be paid for each separate proceeding, regardless of whether the proceedings are scheduled at the same time on the same calendar. For case management conferences, mandatory settlement conferences, and other proceedings initiated by the court, the fee shall be paid by the party requesting a court reporter.*

(B) *The court shall require the fee to be paid at the time the party files its papers or no later than the conclusion of the court session on the day of the proceeding. The fee shall be nonrefundable unless, due to unforeseen circumstances, the court is unable to provide a court reporter at the scheduled proceeding.*

(C) *The fees shall be deposited into the Trial Court Trust Fund and, upon appropriation by the Legislature, distributed back to the courts in which the fees were collected.*

~~(B)~~

(2) For each proceeding lasting more than one hour, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for the services of an official court reporter on the first and each succeeding judicial day those services are provided pursuant to Section 269 of the Code of Civil Procedure.

~~(2)~~

1 (b) All parties shall deposit their pro rata shares of these fees  
2 with the clerk of the court as specified by the court, but not later  
3 than the conclusion of each day's court session.

4 ~~(3)~~

5 (c) For purposes of this section, "one-half day" means any period  
6 of judicial time, in excess of one hour, but not more than four  
7 hours, during either the morning or afternoon court session.

8 ~~(4)~~

9 (d) The costs for the services of the official court reporter shall  
10 be recoverable as taxable costs by the prevailing party as otherwise  
11 provided by law.

12 ~~(5)~~

13 (e) The Judicial Council shall adopt rules to ensure all of the  
14 following:

15 ~~(A)~~

16 (1) That parties are given adequate and timely notice of the  
17 availability of an official court reporter.

18 ~~(B)~~

19 (2) That if an official court reporter is not available, a party may  
20 arrange for the presence of a certified shorthand reporter to serve  
21 as an official pro tempore reporter, the costs therefor recoverable  
22 as provided in ~~paragraph (4)~~ subdivision (d).

23 ~~(C)~~

24 (3) That if the services of an official pro tempore reporter are  
25 utilized pursuant to ~~subparagraph (B)~~ paragraph (2), no other  
26 charge shall be made to the parties.

27 ~~(b)~~

28 (f) The fees collected pursuant to this section shall be used only  
29 to pay the cost for services of an official court reporter in civil  
30 proceedings.

31 (g) *It is the intent of the Legislature to provide an incentive for*  
32 *courts to use the services of an official court reporter in civil*  
33 *proceedings.*

34 ~~(e)~~

35 (h) The Judicial Council shall report on or before February 1  
36 of each year to the Joint Legislative Budget Committee on the fees  
37 collected by courts pursuant to this section and Section 68086.1

- 1 and on the total amount spent for services of official court reporters
- 2 in civil proceedings statewide in the prior fiscal year.

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